

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

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CHANA CORCIA, individually  
and on behalf of a class

Case No. 2:15-cv-05972

Plaintiff,

**CLASS-ACTION COMPLAINT**  
**JURY TRIAL**  
**DEMANDED**

v

AMERASSIST, INC.

Defendant.

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Plaintiff, by her attorney The Law Offices of Shimshon Wexler, P.C., as and for her complaint against the defendant, on behalf of a class pursuant to Rule 23 alleges as follows:

**INTRODUCTION**

1. Plaintiff brings this action to secure redress from unlawful credit and collection practices engaged in by defendant AMERASSIST, INC. (“Amerassist” or “Defendant”). Plaintiff alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”).
2. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt and requires certain disclosures. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA).
4. Venue and personal jurisdiction in this District are proper because:

- a. Defendant does business within this District;
- b. The acts giving rise to this lawsuit occurred within this district.

### **PARTIES**

5. Plaintiff, Chana Corcia, is an individual who resides in Nassau County.
6. Defendant, AMERASSIST, INC. is a Nevada corporation whose registered agent is CT Corporation System, 111 Eighth Avenue in New York, NY 10011.
7. AMERASSIST, INC. is a corporation engaged in the business of collecting debts.
8. AMERASSIST, INC. collects for others.
9. AMERASSIST, INC. is a debt collector as that term is defined by 15 U.S.C. §1692a(6).

### **FACTS**

10. Shortly after October 1, 2015 plaintiff received a collection letter from AMERASSIST, INC.. The letter is attached as Exhibit A.
11. In sending the letter, AMERASSIST, INC. was attempting to collect a debt.
12. In sending the letter, AMERASSIST, INC. sought to collect a financial obligation incurred for personal, family or household purposes and not for business purposes.
13. The letter requests of plaintiff to confirm that the amount due on the collection letter is accurate by signing on the bottom of the letter a balance verification attesting that "This balance is correct". The letter also says that "This request does not affect your right to dispute this debt".
14. The above statement is false, deceptive and/or misleading in a material way because acknowledging that the balance is in fact accurate prior to the expiration of the 30 day dispute period outlined in the letter in fact does affect plaintiff's right to dispute the debt.

### **CLAIMS FOR RELIEF**

**COUNT I**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

16. The collection letters violate 15 U.S.C. §§1692, 1692e and 1692g.

17. Section 1692e entitled False or Misleading Representations provides:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:.....

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

18. Section 1692g provides:

**§ 1692g. Validation of debts**

(b) Disputed debts

(a) Notice of debt; contents

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing—

.....

(3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;

(4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and

(b) Disputed debts

.....Any collection activities and communication during the 30-day period may not overshadow or be inconsistent with the disclosure of the consumer's right to dispute the debt or request the name and address of the original creditor.

19. By sending the collection letters, defendant violated the above quoted provisions of the statute.

20. Defendant is liable to the plaintiff for statutory damages pursuant to 15 U.S.C. §1692k because of the FDCPA violations.

### **CLASS ALLEGATIONS**

21. Plaintiff brings this action on behalf of a class, pursuant to Federal Rules of Civil Procedure Rule 23(a) and 23(b)(3).

22. The class consists of (a) all individuals (b) with a United States address (c) who have received a collection letter in the form of Exhibit A where the letter requests consumers to confirm that the amount due on the collection letter is accurate by signing on the bottom of the letter a balance verification attesting that "This balance is correct" and where the letter also says that "This request does not affect your right to dispute this debt" (d) on or after a date one year prior to the filing of this action and on or before a date 20 days after the filing of this action.

23. The class is so numerous that joinder of all members is not practicable. On information and belief, there are at least 40 members of the class.

24. There are questions of law and fact common to the class, which common questions predominate over any questions relating to individual class members. The predominant common question is whether the specific language of the letter violates the FDCPA.



25. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

26. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation.

27. A class action is superior for the fair and efficient adjudication of this matter, in that:

- a. Individual actions are not economically feasible;
- b. Members of the class are likely to be unaware of their rights;
- c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

**WHEREFORE**, the Court should enter judgment in favor of plaintiff and the class and against the defendant for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

Dated: Decatur, Georgia  
October 16, 2015

**The Law Offices of Shimshon Wexler, PC**

/s/ Shimshon Wexler  
315 W Ponce de Leon Ave Suite 250  
Decatur, Georgia 30030  
Tel: (212)760-2400  
Fax: (917)512-6132  
[swexleresq@gmail.com](mailto:swexleresq@gmail.com)

Plaintiff requests a trial by jury on all issues so triable.

*/s/ Shimshon Wexler*

# **EXHIBIT A**

**CREDITOR**

Integrative Nutrition, Inc.  
3 East 28th St.  
12th Floor  
New York, NY 10016

**AMERASSIS**  
A / R SOLUTIONS, INC.

Español

P.O. Box 26095 / Columbus, OH 43226 / 614-431-3888

ACCT - 626301



Chana Corcia  
44 Vinton St  
Long Beach, NY 11561-2608

**BALANCE VERIFICATION****DATE**

9/29/2015

**AMOUNT DUE**

\$2,388.00

We are verifying the balance of selected accounts receivable for the above referenced creditor, whose records indicate that you owe the above amount.

Please confirm that the amount due is correct by signing the balance verification line below and returning this notice in the enclosed envelope to expedite processing. You should also remit the amount due to your creditor. This request does not affect your right to dispute this debt.

AmerAssist has been authorized by your creditor to proceed with the collection process if the full amount due remains unpaid. Therefore, any claims for credit or explanations you may have should be directed to AmerAssist.

This communication is from a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Your response will be appreciated.

This balance is correct: \_\_\_\_\_

Signature \_\_\_\_\_

AUDIT

Español en el reverso

See Reverse Side For Important Consumer Information

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stamos verificando el saldo de las cuentas por cobrar seleccionadas para el acreedor al que -  
registros señalan que usted adeuda el monto que se indica.

Sírvase confirmar que el monto adeudado es correcto firmando la línea de verificación de saldo en el reverso y devolviendo este aviso en el sobre adjunto para agilizar el procesamiento. También debe enviar el monto adeudado a su acreedor. Este requisito no perjudica su derecho de disputar la deuda.

Si el monto total adeudado permanece impago, AmerAssist cuenta con la autorización para proceder con el proceso de cobranza. Por lo tanto, todo reclamo de crédito o explicaciones que pueda tener deberán dirigirse a AmerAssist.

Esta comunicación proviene de un cobrador de deudas. Éste es un intento de cobrar una deuda y cualquier información que se obtenga será usada para dicho propósito.

A menos que le notifique a esta oficina en un plazo de 30 días luego de recibir este aviso, que usted impugna la validez de esta deuda o de cualquier parte de ésta, esta oficina supondrá que la deuda es válida. Si notifica a esta oficina por escrito en un plazo de 30 días a partir de la recepción de este aviso, que usted impugna la validez de esta deuda o de cualquier parte de ésta, esta oficina obtendrá la verificación de la deuda o una copia del mismo y le enviará por correo una copia de tal plano o verificación. Si lo solicita por escrito a esta oficina en un plazo de 30 días luego de recibir este aviso, esta oficina le proporcionará el nombre y la dirección del acreedor original, si fuesen distintos a los del acreedor actual.

**Hours of Operation:** 8:00 a.m. - 5:00 p.m. Eastern Time  
**Toll Free Telephone Number:** (877) 900-5300

**Colorado:** A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt. **FOR INFORMATION ABOUT THE ACT, SEE PRACTICES**

**FAIR DEBT COLLECTION**  
**WWW.COLORADOATTORNEYGENERAL.GOV/CA**  
The Colorado address of this collection agency is Building B, 80 Garden Center, Suite 3, Broomfield, CO 80020; Phone number (303) 920-4763. Toll-Free Telephone Number: (877) 900-5300.

**Massachusetts:** NOTICE OF IMPORTANT RIGHTS: You have the right to make a written or oral request that telephone calls regarding your debt not be made at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the collection agency.

**California:** The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have a reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.FTC.gov](http://www.FTC.gov). As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation.

**New York State:** You may dispute the validity of this debt or any portion thereof by sending a written request for substantiation of the debt to AMERASSIST A/R SOLUTIONS, INC. P.O. BOX 26095, COLUMBUS, OHIO 43226. Please include a copy of this notice with your request.

**New York City:** "New York City Department of Consumer Affairs License Number 1208740."

**Tennessee:** "This collection agency is licensed by the Collection Service Board of The Department of Commerce and Insurance."

**North Carolina:** North Carolina Collection Agency Permit Number 4420. The physical address of this collection agency is 445 Hutchinson Avenue, Suite 500, Columbus, OH 43235.

**Maine:** Maine residents may contact our office by telephone at the number and office hours stated on this letter.

**Minnesota:** This Collection Agency is licensed by the Minnesota Department of Commerce.

**Utah:** As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record is submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. We will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time